

**DECLARATION OF PLAINTIFF EMANUEL BYERS**

I, **EMANUEL BYERS**, hereby declare under penalty of perjury under the laws of the United States of America that the following is true:

1. I was a security guard worker employed by T&H Security, Inc., Citadel Special Events Services, Inc. and their owners/managers, Thomas Ferrara, Reida Ferrara, and Tyrone A. Yoris (together “Defendants”) from on or about January 2007 until on or about February 2008 (the “time period”).

2. I worked as a security guard for Defendants at a number of locations including but not limited to: Piers 92 and 94 (located on 54<sup>th</sup> Street and 12<sup>th</sup> Ave.); Pier 54 (located at 14<sup>th</sup> Street and 11<sup>th</sup> Ave.); The Jacob Javitz Center (located at 34th Street and 11th Ave.), The Nokia Theatre (located at about 43rd Street), and the Hilton (located at about Broadway and 56<sup>th</sup> Street).

3. Upon information and belief I worked for Defendants with at least 40 other similar security guard employees who had the same duties as myself.

4. My duties did not include managerial responsibilities or the exercise of independent business judgment.

5. During the time period, I worked an average of approximately 50 hours per week. Often, my paystubs did not reflect the full amount of hours that I worked.

6. Defendants paid me an hourly wage of \$9.50.

7. Defendants did not pay me time and one half for any of my hours worked over 40 in a week (“overtime”).

8. Defendants did not pay me my regular hourly rate for all of the hours that I worked.

9. I was required to wear a uniform provided by the Defendants but was never paid for the cost of cleaning the uniform.

10. I was signed in and out by my supervisor in a daily log book kept by Defendants. Often my supervisor signed me out as of a time which was earlier than the time that I actually stopped working. Accordingly, the sign-out sheets often did not reflect the time that I actually signed out.

11. I have attached as Exhibit A a copy of certain of my payroll receipts and time records, demonstrating that I was not paid by Defendants for all my hours worked and was not paid by Defendants time and one half for my overtime hours worked.

12. In addition to myself, during the time period, I am aware and have personal knowledge of other persons employed by Defendants as security guard workers who performed the same or similar work as myself. Upon information and belief, Defendants hired at least 40 of such similar security guard workers.

13. I and the other similar security guard employees regularly worked more than 40 hours per week for Defendants.

14. I and these other similar security guard employees worked more than 40 hours per week and were not paid time and one half for our overtime hours.

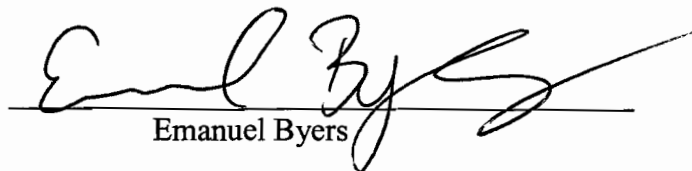
15. I know that others like me worked overtime and were not paid overtime by Defendants because I observed the other security guard employees working more than 40 hours in a week and discussed the issue with certain of these other similar security guard employees, who said that they worked more than 40 hours per week and that Defendants did not pay them time and one half their regular hourly rate for their overtime hours and did not pay them even at their regular hourly rate for all the hours that they worked. They

all have stated to me that they worked as security guard workers for Defendants and worked more than 40 hours per week and were not paid time and one half for their hours worked over 40 in a workweek.

16. Throughout the time period that I worked at Defendants, and, upon information and belief, both before that time and continuing until the present, Defendants have likewise employed other individuals, like myself, in positions as security guard workers.

17. Such individuals have worked in excess of 40 hours a week, yet the Defendants have likewise willfully failed to pay them overtime compensation of one and one-half times their regular hourly rate.

Dated: April 1, 2008

  
Emanuel Byers

**EXHIBIT A TO**  
**DECLARATION OF PLAINTIFF EMANUEL BYERS**

CO. FILE DEPT. CLOCK NUMBER 040  
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**CITADEL SPECIAL EVENTS SERVICE**  
**34 91ST STREET**  
**BROOKLYN, NY 11209**

# Earnings Statement

Period Ending: 09/28/2007  
 Pay Date: 10/05/2007

**EMMANUEL BYERS**  
**700 E 156TH ST #8F**  
**BRONX NY 10453**

Taxable Marital Status: Single  
 Exemptions/Allowances:

Federal: 1  
 State: 1  
 Local: 1

Social Security Number: XXX-XX-5529

Earnings				Year to date
	rate	hours	this period	
Regular	9.5000	64.00	608.00	
<b>Gross Pay</b>			<b>\$608.00</b>	2,455.75

Deductions				Year to date
Statutory				
Federal Income Tax		-41.94		90.41
Social Security Tax		-37.70		152.26
Medicare Tax		-8.82		35.61
NY State Income Tax		-12.05		22.55
New York Cit Income Tax		-7.90		17.22
NY SUI/SDI Tax		-1.20		8.12
<b>Net Pay</b>			<b>\$498.39</b>	

Your federal taxable wages this period are \$608.00



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CITADEL SPECIAL EVENTS SERVICE  
34 91ST STREET  
BROOKLYN, NY 11209

Earnings Statement



Period Ending: 01/18/2008  
Pay Date: 01/25/2008

Taxable Marital Status: Single  
Exemptions/Allowances:  
Federal: 1  
State: 1  
Local: 1

EMMANUEL BYERS  
700 E 156TH ST #8F  
BRONX NY 10453

Social Security Number: XXX-XX-XXXX

Earnings	rate	hours	this period	year to date
Regular	11.0000	49.00	539.00	
Gross Pay			\$539.00	976.00

Important Notes  
YOUR HOURLY RATE HAS BEEN CHANGED FROM 9.5000 TO 11.0000.

Deductions	Statutory	
Federal Income Tax	-30.65	38.35
Social Security Tax	-33.42	60.51
Medicare Tax	-7.81	14.15
NY State Income Tax	-9.29	9.56
New York Cit Income Tax	-5.85	7.42
NY SUI/SDI Tax	-1.20	3.02
Net Pay	\$450.78	

Your federal taxable wages this period are \$539.00